



## REGULAR MEETING OF THE MILPITAS CITY COUNCIL

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122  
Para sa Tagalog, tumawag sa 408-586-3051  
Para español, llame 408-586-3232

City Council meeting will be held via TELECONFERENCE (no physical meeting space)  
Submit any Public Forum or agenda item comments in writing submitted online, to be read aloud.

**Meeting shall be livestreamed - Go to:**

Facebook: <https://www.facebook.com/CityofMilpitas/>

YouTube: <https://www.ci.milpitas.ca.gov/youtube>

Web Streaming: <https://www.ci.milpitas.ca.gov/webstreaming>

Virtual public comments may be submitted on a form from the City website:  
<http://www.ci.milpitas.ca.gov/publiccomment>

For Public Hearing Item No. 10 only, voicemail message comments may  
be submitted to telephone number 408-586-3010 until 3:00 PM on May 5.

### **AGENDA**

**TUESDAY, MAY 5, 2020**

**MILPITAS, CA**

**6:00 PM (CLOSED SESSION)**

**7:00 PM (PUBLIC BUSINESS)**

**CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk**

**ADJOURN TO CLOSED SESSION**

**(a) CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to California Government Code §54957.6

Agency designated representative: Rick Bolanos of Liebert Cassidy Whitmore

Employee Group: Milpitas Employees Association

**(b) CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to California Government Code §54957.6

Agency designated representative: Mayor Rich Tran

Unrepresented Employee: City Manager

**CLOSED SESSION ANNOUNCEMENT:** Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present

## **PLEDGE OF ALLEGIANCE** (7:00 PM)

## **INVOCATION**

## **PRESENTATIONS** (7:10 – 7:20 PM)

- Proclaim May as *Asian Pacific American Heritage Month*
- Proclaim May as *National Mental Health Awareness Month*
- Proclaim May as *Older American Month*

## **PUBLIC FORUM** (7:20 – 7:40 PM)

Those interested may address City Council in writing on any subject not on tonight's agenda. Commenters may type their name and city of residence for the Clerk's record, and remarks read aloud will be limited to three minutes, or less. Comments submitted via online form will be read aloud by the City Clerk. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. City Council may instruct the City Manager to place the item on a future meeting agenda.

Virtual public comments may be submitted on a form from the City website: <http://www.ci.milpitas.ca.gov/publiccomment>

## **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS** (7:40 – 8:00 PM)

Members of the City Council may make brief announcements or suggest future agenda items at this time. For future agenda items, the City Council shall not debate the topic or engage in discussion, but shall simply state a "yes" or "no" as to whether to direct the City Manager to place the item on a future meeting agenda. If a majority of the City Council agrees to place an item on a future meeting agenda, the City Manager shall place the item on a subsequent agenda for City Council discussion.

## **ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**

## **APPROVAL OF AGENDA**

### **CONSENT CALENDAR** (8:00 – 8:10 PM)

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the public or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to comment on any item on the consent calendar should ask to have that item removed from the consent calendar.

**C1. Receive City Council Calendar of Meetings for May 2020 (Staff Contact: Mary Lavelle, 408-586-3001)**

**C2. Approve City Council meeting minutes for April 14 and April 21, 2020 Special and Regular Meetings (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: approve draft City Council meeting minutes of the special meeting on April 14 (CIP study session), special meeting at 5:00 PM on April 21, and regular meeting on April 21, 2020.

**C3. Adopt a Resolution to Award Construction Contract to CVE Contracting Group, Inc. doing business as Central Valley Environmental for Demolition of Fire Station No. 2 for the Reconstruction, Project No. 3447 (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendations:

1. Adopt a resolution to award a construction contract and authorize the Interim City Manager to execute the contract with the lowest responsible bidder submitting a bid, CVE Contracting Group Inc. doing business as Central Valley Environmental, in the amount of \$245,400 for demolition of Fire Station No. 2 as part of the Fire Station No. 2 Reconstruction Project No. 2447.

2. Authorize the Engineering Director/City Engineer to negotiate and execute contract change orders in an aggregate amount not to exceed \$60,000.

- C4. Adopt a Resolution Approving the Annual Engineer's Report, and Adopt a Resolution Declaring the Intention to Levy and Collect Assessments for Fiscal Year 2020-21 for Landscaping and Lighting Maintenance Assessment District (LLMD) No. 95-1 (McCarthy Ranch), and Provide Notice of Public Hearing to be held on May 19, 2020 for LLMD No. 95-1 McCarthy Ranch (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Adopt a resolution approving the Annual Engineer's Report, and adopt a resolution declaring intention to levy and collect assessments for Fiscal Year 2020-21 for Landscaping and Lighting Maintenance Assessment District (LLMD) No. 95-1 (McCarthy Ranch), and provide Notice of Public Hearing to be held on May 19, 2020 for LLMD No. 95-1 McCarthy Ranch.

- C5. Adopt a Resolution Approving the Annual Engineer's Report, and Adopt a Resolution Declaring the Intention to Levy and Collect Assessments for Fiscal Year 2020-21 for Landscaping and Lighting Maintenance Assessment District (LLMD) No. 98-1 (Sinclair Horizon), and Provide Notice of Public Hearing to be held on May 19, 2020 for LLMD 98-1 Sinclair Horizon (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Adopt a Resolution approving the Annual Engineer's Report, and adopt a Resolution declaring intention to levy and collect assessments for Fiscal Year 2020-21 for Landscaping and Lighting Maintenance Assessment District (LLMD) No. 98-1 (Sinclair Horizon), and provide Notice of Public Hearing to be held on May 19, 2020 for LLMD No. 98-1 Sinclair Horizon.

- C6. Adopt a Resolution to Confirm the Order of the Director of Emergency Services Imposing Regulations to Protect Essential Workers And Consumers Through Use of Face Coverings (Staff Contact: Christopher Diaz, 408-586-3040)**

Recommendation: Adopt a Resolution to confirm the Order of the Director of Emergency Services imposing regulations to protect essential workers and consumers through the use of face coverings.

**PUBLIC HEARING** (8:10 – 8:30 PM)

Comments for the public hearing item may be submitted prior to the City Council meeting **by leaving a voicemail** by telephone at 408-586-3010. Messages will be played aloud for the City Council once the public hearing is opened by the Mayor. Virtual **written public comments** for the public hearing may be submitted on a form from the City website: <http://www.ci.milpitas.ca.gov/publiccomment>.

Written comments submitted on the form online for the public hearing will be read aloud by the City Clerk and shall be limited to three minutes or less, at the direction of the Mayor.

- 7. Conduct a Public Hearing and Adopt a Resolution Approving the Fiscal Year 2020-21 Master Fee Schedule (Staff Contact: Walter Rossmann, 408-586-3111)**

Recommendations:

1. Move to close the public hearing following any comments.
2. Adopt a Resolution approving the Fiscal Year 2020-21 Master Fee Schedule.

**COMMUNITY DEVELOPMENT** (8:30 – 9:30 PM)

- 8. Adopt the City of Milpitas Economic Development Strategy and Implementation Actions (Staff Contact: Alex Andrade, 408-586-3046)**

Recommendation: Adopt City of Milpitas Economic Development Strategy and implementation actions.

9. **Receive report on the Community Identification and Brand Study (Phase I) and provide direction to staff on scope and implementation of the Study (Phase II) (Staff Contact: Ashwini Kantak, 408-586-3053)**

Recommendations:

1. Receive report on the Community Identification and Brand Study (Phase I).
2. Provide direction to staff on scope and implementation of the Community Identification and Brand Study (Phase II).

**LEADERSHIP AND SUPPORT SERVICES** (9:30 – 10:30 PM)

10. **Review Fiscal Year 2019-20 Third Quarter Financial Status Report and Related Budget Amendments due to COVID-19 Pandemic Anticipated Revenue Losses (Staff Contact: Walter Rossmann, 408-586-3111)**

Recommendation: Review the FY 2019-20 Quarterly Financial Status Report for the quarter ending March 31, 2020 and approval budget amendments to rebalance the FY 2019-20 Amended General Fund Budget due to COVID-19 Pandemic anticipated revenue losses.

11. **Receive Report and Provide Direction on next steps regarding Potential Revenue Tax Measures to be placed on the Ballot for the November 3, 2020 General Election (Staff Contacts: Ashwini Kantak, 408-586-3053 and Walter Rossmann, 408-586-3111)**

Recommendation: Receive report and provide direction on next steps regarding potential revenue tax measures to be placed on the ballot for the November 3, 2020 General Election.

**REPORTS OF MAYOR & COUNCILMEMBERS** - from assigned Commissions, Committees and Agencies (10:30 – 11:00 PM)

12. **Receive and Direct Staff on Scheduling Agenda Items Requested by City Councilmembers (Contact: Mayor Tran, 408-586-3029)**

Recommendation: Review list of items presented (list in agenda packet) that have been requested by Mayor or City Councilmembers on a form, at a Council meeting, or through the City Manager. Direct items to Rules or other Council Subcommittee, to be placed onto a specific meeting date, or specify alternate direction to staff. No substantive discussion about any specific item shall occur and the City Council shall hold all debate about the item until the item is scheduled as a full agenda item.

13. **Hear Request of Councilmember Phan and Mayor Tran in Support of “Laura’s Law” (Contacts: Councilmember Phan, 408-586-3032 and Mayor Tran, 408-586-3029)**

Recommendation: Hear request of Councilmember Phan and Mayor Tran in support of “Laura’s Law” and consider directing staff to send a letter of support to the County.

14. **Adopt a Resolution in Support of the Principles of the Convention on the Elimination of All Forms of Discrimination Against Women (Contacts: Councilmembers Dominguez, 408-586-3031 and Phan, 408-586-3032)**

Recommendation: Adopt a Resolution in support of the principles of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

15. **Receive Request of Councilmembers Dominguez and Montano to Adopt a Resolution to Condemn Xenophobia and Discrimination against all communities (Contact: Councilmember Dominguez, 408-586-3031)**

Recommendation: Review memo submitted by Councilmember Karina Dominguez, discuss her request supported by Councilmember Montano, and consider adopting a Resolution to condemn xenophobia and discrimination directed toward all communities, during the time of the coronavirus pandemic.

## **NEXT AGENDA PREVIEW**

16. **Receive Preview List of Anticipated Items for the Regular City Council meeting scheduled on May 19, 2020 (Staff Contact: Mary Lavelle, 408-586-3001)**

## **ADJOURNMENT**

### **MILPITAS CITY COUNCIL CODE OF CONDUCT**

- Be respectful and courteous (words, tone, and body language).
- Model civility.
- Avoid surprises.
- Praise publicly and criticize privately.
- Focus on the issue, not the person.
- Refrain from using electronic devices while on the Council dais.
- Share information with all Councilmembers in advance of Council meetings.
- Disclose conflicts of interest and affiliations related to agenda items.
- Separate governing from campaigning.
- The Council speaks with one voice after making policy on issues.
- Respect the line between policy and administration.
- Council will hold one another accountable to comply with this Code of Conduct.

### **KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other City agencies exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035  
e-mail: [cdiaz@ci.milpitas.ca.gov](mailto:cdiaz@ci.milpitas.ca.gov) / Phone: 408-586-3040

*The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov) by selecting the Milpitas Municipal Code link.*

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection ~~at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on City website.~~ City Council agendas and related materials can be viewed online: [www.ci.milpitas.ca.gov/government/council/agenda\\_minutes.asp](http://www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp) (select meeting date)

### **APPLY TO SERVE ON A CITY COMMISSION**

Commission application forms are available online at [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov) or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 for more information.

*If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to [mlavelle@ci.milpitas.ca.gov](mailto:mlavelle@ci.milpitas.ca.gov) prior to the meeting. You may request a larger font agenda or arrange for mobility assistance.*